

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of	)	
	)	
The 4.9 GHz Band Transferred from Federal	)	WT Docket No. 00-32
Government Use	)	
	)	
To: The Commission	)	

COMMENTS OF  
THE CITY OF PHOENIX, ARIZONA

The City of Phoenix, Arizona hereby respectfully submits the following comments in response to the Commission's Second Report and Order and Further Notice of Proposed Rulemaking (Second R&O & FNPRM), FCC 02-47 (released February 27, 2002), in the above-captioned proceeding.

The City of Phoenix applauds the Commission's decision in Docket 00-32 to allocate 50 MHz of bandwidth to Public Safety in the 4.9 GHz band. There is a substantial, critical, and immediate need for this spectrum.

In the Second R&O & FNPRM, the Commission is seeking comments on numerous technical and service rules, including the criteria for eligibility to operate equipment within the 4.9 GHz band. The City of Phoenix feels very strongly that there should be no commercial licensing of the 50 MHz between 4940-4990 MHz. We highly recommend that the Commission adopt rules consistent with its earlier decision to designate this band for Public Safety only. We believe the sole eligible licensees and users of this band should be this country's first responders, the traditional local and state police, fire and EMS Public Safety entities, as strictly defined in

Section 337(f) of BBA-97 and stated in paragraph 31 of the Second R&O & FNPRM. However, we fully realize there will be incidents of emergency operation where interoperability between the defined Public Safety entities and local and state Public Service entities, critical infrastructure entities, and Federal Government entities will be required. In such cases, these additional entities should be allowed to have access to this band strictly as it relates to a temporary need for interoperability and coordination of mutual operations. A temporary need for interoperability and coordination of mutual operations should be agreed to per a Memorandum of Understanding specifying the terms and conditions of a sharing agreement between the local or state Public Safety entities and other users, including Federal entities.

We believe that coordination of fixed and mobile services should be required. We do not believe licenses for this spectrum should be auctioned. We do not agree with the proposal to allow potential band managers to be commercial entities. We do not agree that potential band managers should be allowed to lease spectrum. We tentatively support Motorola's proposal to divide the 50 MHz of spectrum into two (2) 20-25 MHz blocks, to accommodate both fixed and mobile/area network applications. We believe this spectrum should be primarily used for mobile, high-speed data communications, and secondarily for fixed-site purposes. However, we also recognize a major need for "temporary fixed links", especially from helicopters to the ground, and the requisite flexibility required to establish these in a fluid emergency response scenario. We suggest in States like Arizona, where there appear to be no radio astronomy quiet zones, that air-to-ground transmissions be allowed as long as coordination between Federal government radio astronomy entities and the local Public Safety entities wishing to use 4.9 MHz frequencies for air-to-ground transmissions is formalized in at least a memorandum of understanding and all FCC requirements are otherwise met. We suggest "4.9 GHz Public Safety Occasional Link Service" to describe the establishment of temporary point-to-point or point-to-multipoint

channels. The Commission should allow the maximum flexibility possible in regard to any need to notify or gain approval of the FCC in advance of establishing a “temporary fixed link” channel. We also recognize and support the need to establish wireless local area networks (WLAN) and personal area network/vehicle area networks (PAN/VAN) with these precious spectrum resources. In licensed wireless local area network (WLAN), personal area network/vehicle area network (PAN/VAN) applications using the 802.11a standards, we suggest “4.9 GHz Public Safety WLAN Service” and “4.9 GHz Public Safety PAN/VAN Service”, respectively as names for the services.

Our comments do not address the more complex technical issues of emission mask requirements for the various potential applications of these frequencies and bandwidth, and the Public Safety community’s most critical concern: a means to enforce strict protection of all Public Safety licensees, in this new band and all others, from interference.

We urge the Commission to expedite development of rules affecting the licensing and use of 4.9 GHz for the use of Public Safety.

Respectfully submitted,

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